

The Opinion

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The Opinion – Volume 24, No. 2, December 1981

William Mitchell College of Law

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The Opinion

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December 3, 1981

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BILLS ... CENTS ▶



Budget Cuts... page 6

Editorial

Apples, oranges — and misplaced priorities

Priorities must be established. Even administrators must establish priorities. This year it was AALS. To a lesser extent, salaries, fringe benefits and bonuses to faculty for research and writing were priorities. At least, it could be said, none of them faced budget cuts.

Not on the list of priorities? Student organizations. Witness the budget cuts faced by moot court, client counseling and law

review. (News articles appear on pages 5 and 6.)

Administrators rationalize the cuts by questioning whether tuition dollars should benefit organizations in which only a small portion of students participate. Using that line of thinking, perhaps all electives with fewer than 25 students should be scrapped. Not only is 25 less than the number of students participating in credit organizations, but the credit organizations can be

administered at far less than the cost of administering the electives.

The fact that money has been spent on improving faculty offices, installing a computer at a cost of \$70,000 and equipping offices with room air conditioners at a time when the school is facing deficit spending is not supposed to be grounds for comparison. These are capital-expenditure items. Money for student organizations, on the other hand, comes from operating expenses. "It's like comparing apples and oranges," said Dean Peters.

All right. Let's compare apples and apples — tuition waivers. A fringe benefit of a tuition waiver for spouses of professional staff is an operating expense. One faculty spouse currently receives such a benefit. With a yearly tuition fee of \$2,770 for a student-spouse carrying 8 to 12 credits, that could provide a lot of apples for student organizations. Now ask the question, "Should student tuition dollars benefit just one student at the expense of all others?" Hardly. The policy is particularly disturbing because it discriminates against single faculty members.

Yes, priorities must be established. Let's hope that in future years they will be established so as to benefit organizations that are available to all students. — C.F.

Less access to state courts

It's trite, but true: Justice delayed is justice denied.

And justice is being delayed — and thus denied — in Minnesota's Fourth Judicial District (Hennepin County) and some other judicial districts throughout the state.

The problem, outlined in an article elsewhere in this issue of *The Opinion*, is that a growing backlog of cases has forced Fourth District Chief Judge Harold Kalina to call a halt to civil trials for the rest of the year. Only criminal cases, which by law have priority, will be heard.

So what? The most obvious result is that civil litigants will have to wait longer to get their day in court. That, in turn, will prompt some litigants to settle out of court, preferring an inferior settlement in hand to a potentially better award of damages some time off in the future.

Defendants, on the other hand, could be encouraged to delay settlements, even of weak cases, knowing that their cases won't soon come to trial. Why not stall and hope that a desperate plaintiff will settle for less — or, if not that, stall and invest the money for a few extra months and earn some interest?

Rising case loads, plus increasing responsibilities thrown on the courts by the legislature, promise to make the problem worse in coming years — unless something is done. That something, it is clear, must be done by the legislature, the same body that has at least exacerbated the courts' glut of cases.

Despite the state's budget problems, the solution must be more judges — at least for those districts in which the case backlog is greatest. The cost to the state will be substantial, true. But the cost to citizens of further delays in getting a day in court would be far greater.

Minnesota has a responsibility to give its citizens access to its courts to assure the peaceful settlement of differences. Access that might not be available for a year — or two years, or three or four — is no access at all. — G.M.

Sex workshop is beneficial

Thanks are due Associate Dean Melvin Goldberg and the staff of the Hamm Clinic for the workshop on human sexuality, offered to William Mitchell Students Oct. 10. Participants gained a broader understanding of the wide varieties of sexual experience — and were helped to approach experiences that differed from their own with, if not acceptance, at least a non-judgmental attitude.

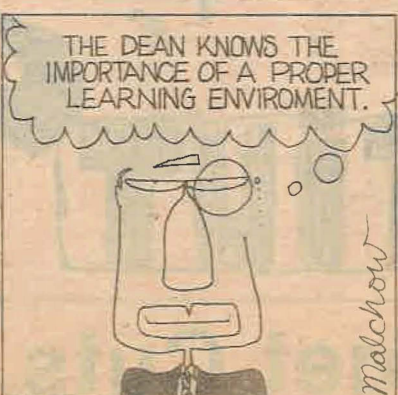
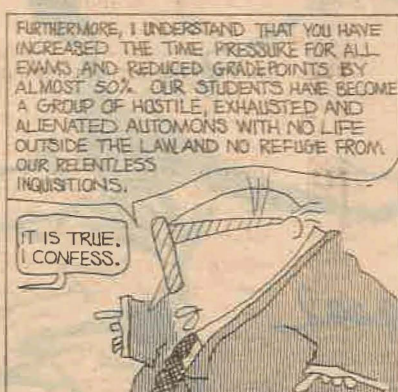
One purpose was to develop greater sensitivity to the needs and preferences of others — something that is valuable in the professional life of a lawyer and the personal life of every human person. Another aim was to give participants a greater understanding of the devastating effects of exploitative, nonconsensual sex, be it in-

cest, rape or relationships forced upon one at an economic disadvantage.

We hope that the workshop will be offered again — and that not only students, but also faculty members, will take advantage of it. We suggest the participation of faculty members because a few instructors — out of embarrassment, perhaps, or simply because they haven't thought about it — seem to feel a need to make jokes whenever a sex-related crime is the focus of a case discussed in their classes. But victims don't find rape to be funny. The Hamm Clinic workshop, among other things it does, makes that point eminently clear. It's a point that every lawyer should understand. — G.M.

Loophole

by Hal Malchow



December 3, 1981

The Opinion
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Volume 24, Number 2

Top of the News

Deli earns complaints — and cash

by Katy Perry

The food service at William Mitchell has undergone a significant change from last year. Last summer, Gia Como's Italian Deli replaced the grill that was run by Best Foods. Reaction to the switch has been mixed.

One of the complaints expressed by students is that the prices at the deli are too high. Gia Como's owner Jim Risimini counters: "The food is top quality. I won't make a sandwich that's a piece of meat between two slices of white bread and charge a dollar for it. If you want the quality, you have to pay for it."

Risimini says that putting out a quality product is important to him. He says that maintaining the high quality of the food is essential to maintaining his good reputation. Risimini points out that the food at the deli is made fresh daily, which adds to the cost of doing business. All the day-old food is contributed to Catholic Charities of St. Paul.

Another complaint students have expressed to Risimini's staff is a lack of variety and a need for more hot food. Risimini explained that the deli here at Mitchell is really a snack bar, not a restaurant. There won't be regular hot meals here, according to Risimini, because there simply isn't enough traffic to support that kind of service. Whatever is added to the operation at Mitchell must be self-service, he said, because it would not be profitable for the deli to add staff. Risimini emphasizes that there is not the constant

volume necessary to retain a grill person, and that the deli now operates efficiently with just one person working. He adds that he has the deli "...systematized, so you don't have to wait in line."

In spite of the complaints that have been raised, the deli is doing an increasing amount of business. That is good news for the Student Bar Association, which receives a percentage of the deli's profits each month. For July and August of 1981, the SBA received 1 percent of the deli's gross earnings excluding state

tax. In July, the deli took in \$1606.67. The SBA received \$16.06. In August, the deli took in \$2969.66, and the SBA received \$29.69. Beginning in September, the percentage given to the SBA was increased to 3 percent. In September, the deli took in \$7086.85, and the SBA received \$212.60. In October, the deli grossed \$9543.85; the SBA received \$286.31.

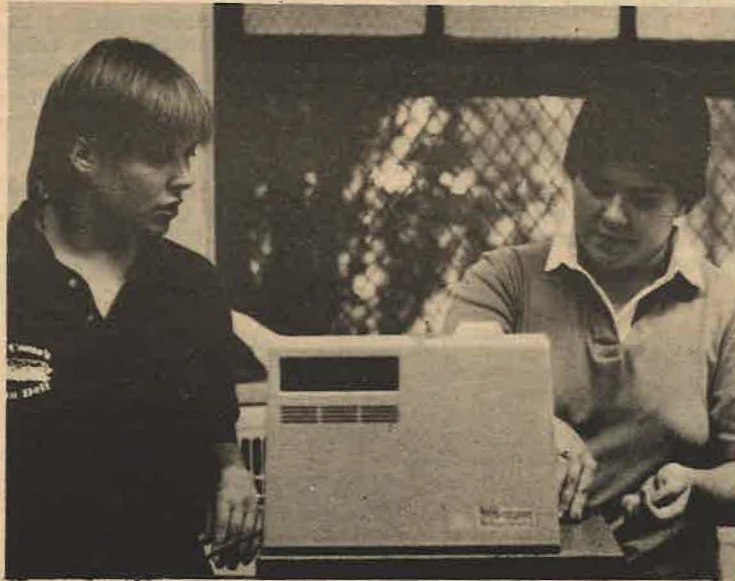
Risimini says that he expects that the monthly gross amount generated by the deli will peak at \$10,000. He adds that the business

is profitable as long as it takes only one person to work there. The people who staff the deli earn from \$4.50 to \$5 an hour.

SBA president Jim Martinson explained that the contract with the deli is for one year and will be renegotiated next summer. Martinson said that the SBA received serious complaints about Best Foods, the company that ran the grill in the lounge last year. Those complaints criticized the food, the service, and the hours service was available. According to Martinson, Gia Como's was selected to replace Best on the basis of the good service it had provided when catering faculty events here at Mitchell.

The deli provides 20 varieties of sandwiches, ranging in price from \$1.75 to \$2.75. The menu now includes hot sandwiches. The egg plant and pizza sub sandwiches are \$2.25, and the meatball and Italian sausage sandwiches are \$2.50. Plans are being made to add hot dogs to the menu soon.

The most popular items include the soup, which changes from day to day, and the cookies. According to Risimini, the "cookie freaks" at Mitchell go through 60 dozen cookies a week. Other desserts available at the deli include chocolate-chip cheesecake, described by second-year student Janet Erbland as "delicious, but the price, \$1.15 per slice, is a deterrent." Baklava, Haagen Daz ice cream and Jell-O Pudding Pops are also available. The deli is open from 11 a.m. to 9:30 p.m. on Monday, Tuesday and Wednesday and from 11 a.m. to 7:30 p.m. on Thursday and Friday.



Eric Cronmiller and Celeste Risimini ring up sales for Gia Como's.

SUBS-COLD		
SPICED SALAMI		1.75
PEPPERONI-PROVOLONE		1.75
HAM-PROVOLONE		2.00
HAM-SALAMI-PROVOLONE		2.25
SUPER SUB		2.50
SUBS-HOT		
MEAT BALL PARMIGIANA		2.50
ITALIAN SAUSAGE PARMIGIANA		2.50
PIZZA SUB		2.25
EGGPLANT PARMIGIANA		2.25
SANDWICHES		
CORNER BEEF & SWISS ON RYE		2.75
ROASTBEEF-PROVOLONE		2.75
PASTRAMI-SWISS		2.75
TURKEY-PROVOLONE		2.75
SALAD		
MEAT		2.25
VEGGIE		2.25
POTATO SALAD		.65
COLE SLAW		.65
HOT DOG 1.00		
FRUIT .33		
SOUP 8 OZ .75 12 OZ 1.00		
DESSERT		
CHEESE CAKE		1.15
BAKLAVA		.85
CAKES & PIES		1.15
HAAGEN DAZS DIXIE CUP .65		PINT 1.89
MENU ITEMS SUBJECT TO AVAILABILITY		
DRINK		
COFFEE .24 8 OZ .38 12 OZ		
SANKA		.24
TEA		.24
HOT CHOCOLATE		.33
LEMONADE		.33 .48
FRUIT PUNCH		.33 .48
TAX NOT INCLUDED		
HOURS		
MON - WED 11:00 AM - 9:30 PM		
THURS & FRI		

Mitchell clerical staff rejects representation by Teamsters

by Rich Ruvelson

William Mitchell's 20-member clerical staff last month voted against representation by a union local affiliated with the International Brotherhood of Teamsters.

The vote was 12 to 7 against representation by Warehouse

Employees Local 503. The election was held Nov. 12.

The effort to seek union representation was prompted by staff concerns over wages and job security, said staff member Ruthie Gallo.

After the election, Associate

Dean Robert Oliphant said he hoped "that whatever problems provoked some staff to think that a union would be useful will be addressed effectively in the coming months."

Judge Ronald Hachey, Mitchell's alumni director, met with the staff just before the start of the 24-hour pre-election period during which an employer may not campaign against a proposed union representation. He appealed to the staff not to do anything that would hurt the college.

Gallo contended that Hachey's appeal was part of the pressure and what she termed misinformation used by the college to dissuade a vote for the union.

Gallo, who began union organizing efforts while the school's maintenance workers were negotiating their new contract, said she would continue those efforts.

"I'll try again," she said. "We can begin organizing 10 months following the election, and we can hold a new election one year from the date of this election."

"The possibility exists that charges of unfair labor practices may be filed within the year," Gallo said.

Union supporters have alleged that opponents did some campaigning during the 24 hours immediately preceding the election and that some supporters were threatened with loss of their jobs.

Oliphant said after the election, however, "Under no circumstances will the administration seek retribution, because it would be both unfair and illegal."

Bar results - summer, 1981

Those testing for first time

	Passing	Testing	Percentage
U. of Minnesota	178	190	93.6
William Mitchell	179	198	90.4
Hamline	78	92	84.7
Overall	435	480	90.6

All Testing

	Passing	Testing	Percentage
U. of Minnesota	181	200	.5
William Mitchell	187	210	89.0
Hamline	81	96	84.3
Overall	449	506	88.7

College apparently wins membership in AALS

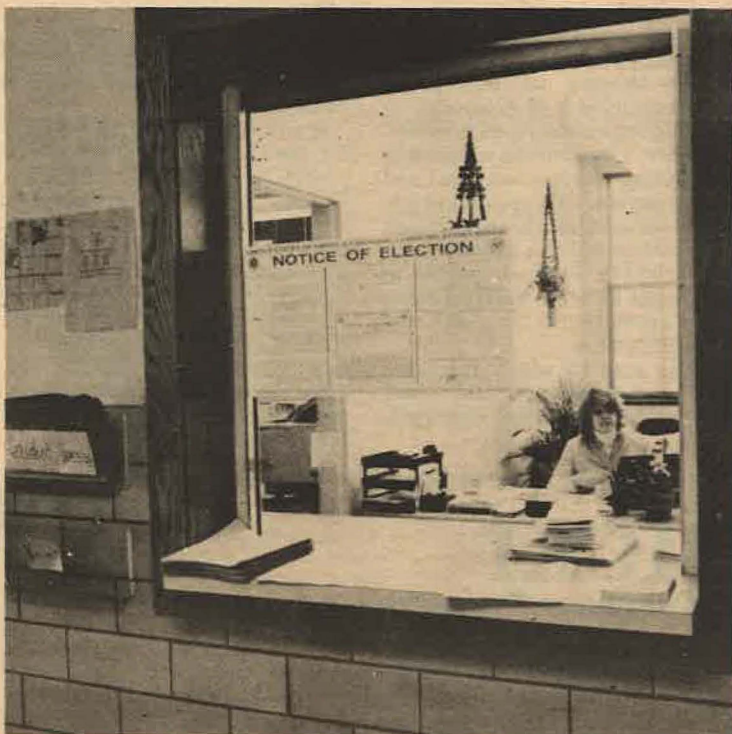
At its Nov. 20 meeting in San Diego the executive committee of the American Association of Law Schools (AALS) voted unanimously to recommend acceptance of William Mitchell College of Law to the full house of delegates. The full house will vote on the proposal at its annual meeting to be held Jan. 7 through 9 in Philadelphia.

Historically, said Dean Geoffrey Peters, a unanimous recommendation of the executive committee has meant acceptance by the full house. In recommending William Mitchell's acceptance, the executive committee reviewed the report filed by the four-member inspection team that visited the college in September. While Peters was not able to release the details of that report, he said that the summary was very positive.

William Mitchell made a bid

for AALS accreditation a number of times in the last 10 years. Despite a recommendation for approval by the inspection team one year ago, membership was postponed, pending a return visit by another inspection team this fall.

AALS membership carries with it a number of benefits, according to Peters. It makes the transfer of credits to another AALS school easier. Graduate law programs will be more accessible to William Mitchell graduates. Faculty recruiting will be enhanced by membership in AALS. More prestige will mean a wider range of out-of-state jobs for graduates of the college. Peters also says he hopes that the transfer of credits to the University of Minnesota will be recognized so that U of M law students will take summer courses at William Mitchell.



Terri Wilke answers phones behind the window displaying the notice of the recent union elections. As a part-time employee, Wilke was not able to vote in the election.

Electronics shapes 'office of the future'

by Steven Bell

The Office of the Future has arrived. Soaring office expenses and declining productivity have combined to make office automation a necessary element in most business and professional planning. The impact of automation on lawyers and future lawyers will be substantial. The use of advanced communications systems, word- and data-processing systems and computer-controlled micro-fiche and printing systems will affect nearly every aspect of the way lawyers allocate their time, run their offices and conduct their research.



Among the latest high technology developments that can benefit lawyers:

- Communication systems that use computerized technology to transmit voice and data on the same network.
- Teleconferencing networks that can simultaneously transmit voice and video anywhere around the globe.
- Combined word- and data-processing systems that can research legal precedents, keep electronic files and efficiently edit, store and print standard forms.

Gaining an edge

Undoubtedly, much of the business of being a lawyer revolves around obtaining information quickly and efficiently. Since most office automation systems are geared toward storing, processing, retrieving and analyzing information, law firms that use the latest technology can often gain a decisive edge over their adversaries who do not.

Although the benefits of office automation are numerous so are the potential pitfalls. Among them:

Obsolescence: Technology is not only changing rapidly, but the rate of change is accelerating. A

growing practice should select a system that has capability for expansion, either within the present system or the product line.

Non-compatibility of equipment: Offices often invite disaster by automating piecemeal. They buy their computer from one vendor, a word processor from another and software (programming) from a third without first investigating whether the equipment can be integrated into a smoothly functioning system. In addition, the obvious problem of service is made easier by the fewer vendors a firm has to deal with.

Too many features: The list of optional features on some of the office automation equipment is nearly endless. Don't be dazzled by the technology. A law office doesn't necessarily need a video terminal that can display sales figures and market shares in multi-colored splendor.

Specifically, how can lawyers benefit from the most recent of office technology advances? Let's examine the two main areas of technology in depth: communications systems and data-processing systems.

• Communication systems in their most advanced forms aren't much different from computers. The latest telephone systems are controlled by microprocessor chips that make possible a variety of money-saving features such as:

- 1) Call detail recording, which can record, with the aid of a printer, such information as number called, duration of call, line used, date and hour of call.



- 2) Toll restriction, which limits the calls that can be made to specific local exchanges and area codes, reducing unauthorized usage.

- 3) Speed dialing, which permits storage and automatic redialing of up to 10 local or long-distance numbers and automatic redialing of the last number called from each station.

Future possibilities

Coming soon are telephone systems that can transmit voice and data on the same equipment and "transceiver" systems that will permit the sending of talking pictures all over the globe via telephone circuits. The latter, while in a much earlier stage of development than the former, exists to a degree in devices termed "slow-scan TV," which can transmit still, frames, video pictures over telephone lines that are received and recorded at a designated end point.

• Data- and word-processing systems have been used solely to process numbers and words. That has changed, however, with the latest word-processing systems, capable of using computer logic to perform both numerical and language functions.

Word processors combine an electronic keyboard from a typewriter with a video-display screen. The main advantages to word processors are their efficiency.

It is estimated that a secretary's productivity can be raised anywhere from 10 to 200 percent by one of these machines. Using his or her keyboard and terminal, an operator can electronically add, delete and change the order of words, sentences and entire paragraphs. And each change is seen as it is made. In addition, documents can be



stored in electronic files to be identically reprinted at a later date. In drawing up standard legal forms, such as incorporation and bankruptcy, word processor can save considerable amounts of time.

A law firm could use a word processor to keep its office calendar. This calendar would be revised, printed and distributed

daily. It would provide each attorney in the office with a written record of each case as it comes up: i.e. a listing of the court, file number, time, description, motion for extension of time and names of the other lawyers involved.

Since the calendar is maintained on the computer, the status of any case can be easily ascertained. All that is necessary is to enter the coded case number. The system will then automatically break out and display every entry relating to that particular case.

A law office would also use its word-processing system for file control. For example, if an attorney is looking for a deposition from a particular witness, all he or she has to do is key in that witness's name. The system will then automatically display the file numbers of all documents where that name appears on the index title.

As previously mentioned, the word processor can be used to set up a library of legal forms. Those forms can easily be changed or added to through the use of electronic editing and test-writing features.



Finally, a word processor can be used to prepare a firm's accounts receivable, monthly statements and employee production statistics, and to accumulate billing information by any job, client or employee.

In addition to renting or purchasing office automation equipment, time-sharing networks exist, which provide access to electronic legal-research systems through existing compatible word-processing terminals. One such computerized legal research system, "Westlaw," developed by the West Publishing Co. in 1975, can tap information banks to retrieve extensive law data relating to case precedent, highlights and citations.



Mark Chapin, student research assistant, instructs beginners in the use of Westlaw.

Computer system to speed record-keeping

William Mitchell recently purchased a Wang MVP 2200 computer system for multi-purpose use. The capital expenditure amounted to \$75,000 in computer hardware and software.

Currently the college expends \$11,000 annually for maintaining student records and registration. An additional \$2,500 is spent in computerizing the payroll. Dean Geoffrey Peters said that the capital expenditure would have an estimated pay-off time of three years. In addition to the annual fees paid for computer time, the number of staff hours spent in

recording and duplicating information would be greatly reduced, said Peters.

In a memo to the Audit and Finance Committee, Peters outlined the advantages of the in-house computer system. For accounting purposes, savings would accrue because of the elimination of duplicating entries. What before was a four-step process of journal entries can now be reduced to one. Because past-due accounts can be produced on a weekly basis and collection letters mailed as accounts become delinquent, the college would be

able to improve its cash flow.

Personnel time would be reduced in writing payroll checks, preparing for the annual audit of the college's books, and in code-sorting and labelling items sent through the mail.

According to Peters, the in-house computer system will speed up information that can be released to students and at the same time save the college money. Transcripts can be updated for job interviews as faculty members submit grades. In the past, transcripts were updated only after all faculty had

their grades recorded. Less time will need to be spent to complete record keeping for graduation and certification of graduates to the Minnesota Board of Law Examiners. Time will be reduced in scheduling rooms, courses and examinations. Dropping and adding courses and late registration information will be added to student records without having to wait until after all such changes have taken place, as under the current system.

"The uses to which the computer will be put are vast," said Peters. "We do know that turn-

around time will be greatly improved and that the quality of our services will be better with the computer."

It will take longer than a year for the in-house computer to be operating at full capacity. Grades for the fall semester, however, will be fed into the computer on a trial basis. It is hoped that the system will be operational for student grades and record-keeping by next March, when it is time to renew the current contract for outside services. If the system is functional, there would be no need to renew the contract.

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Time warp puts Lady of Peace alumna back in 'Tea Room'

by Jeanne Anderson

I never thought the day I left, in May 1973, that I'd ever return to Minnesota, much less Our Lady of Peace. The school had closed its doors forever, and I had left with my family for Cleveland, Ohio. That's a whole story in itself. I vaguely remember that a law school had bought the OLP building, but at that time I was still hard at work studying to become a teacher at Miami University.

As fate would have it, I changed careers, ended up back in the Twin Cities and found myself walking into the very place I thought I'd never return to. I have to admit that I felt very strange at first. I half expected to see my old classmates in their traditional blazer-and-skirt uniforms, milling about the hallways on their way to Religion II.

In their place I found very grown-up looking young adults in three-piece suits, carrying attaches. I'm finally starting to get used to the idea that this really is a law school, not the Catholic girls' high school it used to be.

But every once in a while I find myself slipping back — like the time I asked directions to the bookstore from another student. She said, "Go to the LEC." I laughed and said, "You mean the convent!" She looked at me as

though I were a bizarre species of fish.

Every time I walk through the "Student Lounge" I think I'm back in the "Tea Room." The Tea Room was basically the same as it is now, minus Gia Como's Deli. Food was still a big item, though. Once I watched an egg fly across the room and land on an unsuspecting girl's head. I'll never forget her expression immediately after impact as the raw goop slid down her face.

Another memory I associate with the Tea Room is the time my classmate Sandy opened a can of chicken soup, fresh from the "Servomation" machine, and noticed an eye peering back at her.

Vending-machine food was not highly esteemed, even in those days. My sister Nancy did a cartoon once, epitomizing the quality of Servomation. The plot consisted of two little mice who live in the inner shelves of the soup and sandwich machine. One day, while nibbling away at the corner of a ham and cheese, they suddenly felt the motion of the turning shelves. Alas, it was too late. They were crushed between the ham and cheese and tuna delight. Their fate was to be sealed within a burger on rye.

Food wasn't our only source of fun. Another activity we frequently engaged in was outwit-

ting the nuns. Some of us used to harass the old feeble librarian — as Prof. Pirsig would say, "She's dead now, luckily" — by telling her we knew a tall, dark and handsome man who was extremely interested in arranging a date with her. I think she really believed us. She kept asking us when the date was.

We continually rebelled against having to wear uniforms and found any means we could to retain our individual style. Most of the time, it meant wearing zany kneesocks, or outrageous jewelry. Sometimes even that was not enough and we resorted to face painting. After being reprimanded by the vice principal that the psychedelic designs on my face were not proper, I decided to use more a traditional method. In a weak moment, I allowed another OLPite to paint shadow on my eyes. What I didn't know was that she painted day-glow green from my eyelashes to my eyebrows. Upon arrival at French class, Sister announced to everyone, "Miss Anderson is going to the opera."

It is still unknown who put the dirty tennis shoe in the faculty coffee pot.

Today, as I walk down these hallowed halls, I realize that it only goes to show that, as in most criminal cases, I've returned to the scene of the crime.



Complaint cites student letter

by George McCormick

The Moot Court board has sent a formal complaint to the administration about a student who distributed letters to judges during the semi-final round of Mitchell's fall moot court competition.

The administration's response was not yet known as this issue of *The Opinion* went to press.

The letters were distributed by Donald Burke, a third-year student who had participated in the school's moot court competitions last fall and spring. He did not take part in this fall's competition.

The letters, left in rooms in which oral arguments were about to take place the morning of Nov. 14, revealed the brief scores of the teams to argue in each room. They went on to specify the numerical advantage a team would have to be given in its oral-argument score in order to overcome its brief disadvantage.

Under rules of the school's moot court competition, judges

evaluating oral arguments are not to know or consider the teams' brief scores. A team's total score for a round of oral argument is the sum of its brief score and the oral score for that round.

Burke, who has apologized to the Moot Court board and to the administration, intended the letters to offset the effects of that scoring system, which he contends gives undue weight to brief scores.

Under the Mitchell system, teams with the highest brief scores generally advance to the final rounds of competition even though other teams might have better records in oral argument alone. One reason is that brief scores count for half the total score for each round. Another is that the range of brief scores is usually broader than the variation in oral-argument scores.

In contrast, the rules for the national moot court competition use a weighted formula in which brief scores constitute 40 percent of a team's total score for a given round. In the national competi-

tion, like the school competition, judges evaluate oral arguments without knowing teams' brief scores.

Burke's letters apparently had no effect on the scores judges gave oral arguments in the semi-final round. Some judges did not read the letters at all; others saw them only after the round was over and evaluations made. Some simply read them and disregarded them.

The letters were signed "Moot Court." Burke later admitted to board members that he had written and distributed them.

Burke said he was not attempting to further the chances of any given team.

The board first reported the facts of the incident to Associate Dean Melvin Goldberg, without recommending any particular disciplinary action. The administration's response was that it could do nothing unless it received a formal complaint.

The board decided Nov. 21 to submit a formal complaint — but, again, without recommending specific disciplinary action.



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The Opinion Staff

Organizations Face

Credit organizations faced steep budget cuts this year, with tuition waivers reduced by more than 50 percent. At a time when

tuition has increased 21 percent, leaders of these organizations have felt the effects. This series of articles outlines the reasons for the cuts and presents reactions to them.

Policy Reasons

Decisions to reduce funding of moot court, client counseling and the law review were not easy to make, according to Dean Geoffrey Peters and Associate Dean Melvin Goldberg.

"It was a matter of priorities," said Peters. "We didn't like to do it."

Appropriation for funding these organizations is made from operating expenses. Employee salaries and fringe benefits make up the largest portion of those expenses.

One benefit to professional employees is a tuition waiver for spouses attending classes at William Mitchell. The policy was

adopted during the Burton administration. Currently, one spouse is receiving the benefit.

Revenue for operating expenses comes largely from tuition dollars. Peters said that, when the proposed 25-percent increase was reduced to 21 percent last spring, cuts had to be made somewhere. A top priority - not to be cut - was the addition of four faculty members.

Besides student organizations, other areas affected were development and recruitment. "We need more staff in development to take the pressure off tuition increases," said Peters, "but

no additional staff was hired."

Goldberg said that the budget cuts for student organizations were made as early as January and that leaders of credit organizations could have known about those cuts prior to recruiting board members.

Both Peters and Goldberg question whether the college should support the three organizations with tuition dollars. "Why should students who do not participate be expected to support those activities?" asked Peters. Goldberg said that many law schools do not provide such support and that

these activities benefit some students at the expense of others.

Goldberg admits that participation in these organizations carry some prestige for the school. Their importance, he said, is evident because of the large number of students involved. "The recent budget cuts will not preclude us from reexamining those allocations for next year."

One option he said would be considered is providing administrative staff support. "Of course," said Goldberg, "we will have to work within budget constraints."

Moot Court



Shirley Furber and Peter Fuchsteiner represented plaintiff in the fall moot court competition.

When Ken Jacobs recruited four members for the moot court board last spring, he anticipated that each would receive half-tuition waivers. Instead, each is receiving \$250 a semester.

Jacobs is president of the board and the only carry-over member from the previous semester. His own compensation was similarly reduced. News of the budget cut was met by board members with resentment. Though there was a threatened resignation, it never came.

The compensation, Jacobs figures, amounts to about \$1.50 an hour, since the time spent on the competition is normally 150 to 200 hours. Because members of the board must critique preliminary briefs and meet with competitors, some have had to take time from work. "It's either that or miss class," said Jacobs. That has resulted in additional loss of personal income.

Work associated with moot court increased this semester, with 45 teams participating in the competition. That nearly doubles the number of previous competi-

tions. Scheduling rooms and recruiting judges for the first round created extra time demands. Because of duplicating procedures and omission of zip code information, letters to would-be judges were delayed.

Members of the board hand-delivered some requests; emergency letters were written to faculty, and telephone calls were made at the last minute to attorneys, both alumni and non-Mitchell graduates in the Twin Cities. Although the panel of judges was reduced from three to two for some of the arguments, the organization took an unexpected amount of time.

In some other respects, Jacobs said the school has provided needed support for moot court. When additional money was requested to meet the expense of supplying judges with coffee and donuts, it was given. The school is also trying to acquire a multiple-judge bench for seating as many as nine judges for moot court finals.

Popularity of moot court nationwide is evidenced by the in-

creasing number of competitions available to law schools. Jacobs said that he has received more than 10 invitations to compete this year. At present, William Mitchell participates in only one national competition. That one, the largest and most well-known, is sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York and the American College of Trial Lawyers. The top two teams of the spring intra-school competition represent William Mitchell. Jacobs said that the winners of the fall intra-school competition ought to be given a similar opportunity.

Jacobs has also been approached by members of a local moot court society who hope to expand the concept. They would like to see moot court develop to a point where members of the community could, for example, apply skills to appearing in conciliation court. "But," said Jacobs, "unless things change, moot court opportunities will not be available to Mitchell students for a lack of funding."

About this Feature

Eileen Casal designed the graphic on the front cover.

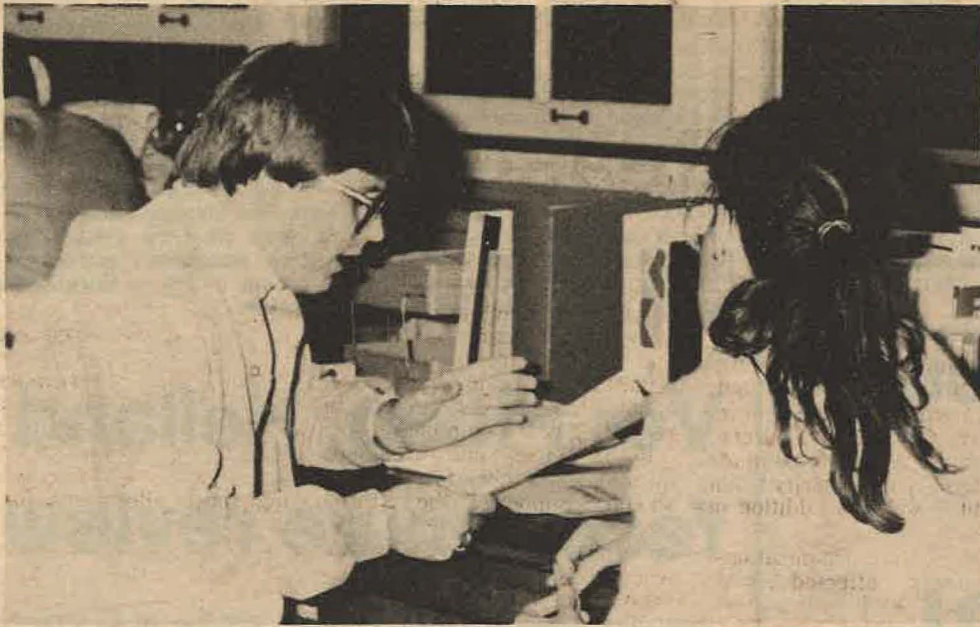
The stories in this feature series were written by Chuck Friedman and Eric Johnson.

Photographs appearing on these pages were taken by Deborah Ellis.



Joanne Larson-Daudt and Steve Antolak prepare their moot court arguments.

Budget Cuts



Mark Duval, one of the law review editors, discusses an assignment with staff member Julia Anderson.

Law Review

In response to the cutbacks in administrative funding, the William Mitchell Law Review has turned to self-help. In contrast to many student programs and organizations, the law review may recover its losses through production efficiency and subsequent sales of the scholarly publication.

A primary concern of the student editorial board is the law review's ability to keep printing costs at a minimum, while increasing its number of subscriptions. Volume Eight of the law review is accompanied by new marketing strategies aimed at meeting this goal. They include: replacing the "free to students" policy with a half-price subscription fee, providing discount subscriptions to alumni as a buying incentive and soliciting all members of the Minnesota Bar.

In addition, Volume Eight will include advertising paid for by business interests such as West

Publishing Co. In the past, this practice was rejected, largely for aesthetic reasons.

According to Editor-in-Chief Don Ridley, the law review has "no profit motive" behind these business tactics, "only an interest in operation efficiency for survival purposes." Ridley projects a positive result, contending that a law review "which holds its own purse strings is less of a burden to students and administration" and frees the review from the "beck and call of outside influence."

Ridley notes that the law review was hit hardest by a reduction in tuition waivers for editors as a result of tuition increases. According to Ridley, the tuition breaks are important incentive and compensatory measures for editors who devote between 20 to 30 hours a week to law review.

"Unfortunately," Ridley said, "there is nothing we can do about

it, and the less we beg for money the better."

Associate Dean Melvin Goldberg echoes Ridley's concern with the survival of law review, noting the academic journal's fundamental value to students, school reputation and the Minnesota practitioner. Despite a reduction in funding, Goldberg said, the law review can expect continued benefits in the form of free bookkeeping services and financed sales trips.

Regarding the issue of tuition waivers, Goldberg said that "working on the law review is a benefit in itself, so we don't fully compensate those who devote time."

Goldberg said he is confident that the law review will persist with aid from a combination of volunteer work, good business practices and administrative funding. "However, at this time, we're unsure what that happy balance will be."



Mike Fairchild, another editor, checks copy for corrections.

Client Counseling

Remuneration for members of the client counseling board was the equivalent of three half-tuition waivers in 1980-81. It totaled \$3,432.

This year's compensation was reduced to zero under the original budget proposal for 1981-82. Last spring \$1,500 was salvaged to pay the student director and eight-member board.

The reduced allocation had a significant impact on the program, according to student director Virginia Miller. In previous years there had been two student directors, each receiving a quarter-tuition waiver.

Miller and her partner, Jim McWhinnie, were the school's representatives in the regional competition last spring. Traditionally, the two representatives take over as student directors the following year. When McWhinnie transferred to another school and the budget cuts were announced, the directorship became a one-person job. Compensation was set at \$600.

Prior to this year the eight members of the board received the equivalent of one-eighth waiver (\$286 for 1980-81). Under the new budget that amount has

been cut to \$100 for each board member. For the work performed in previous years, Miller estimated, the compensation this year would amount to 50 cents an hour.

Recruiting members to the board was a difficult task, so Miller promised a reduced work load for those who agreed to accept a position. "No one should work for 50 cents an hour, and no one does it for the glory or opportunity to include it on a resume," said Miller. "No one should be expected to do that." Those eight board members, all previous competitors in client counseling, will be asked to critique interview sessions in trial runs to be held in November and January. "I won't ask them to do much more than that for the pay they are getting," said Miller.

In fact, there is much more that could be done. According to Miller, client counseling is becoming a major competition nationwide. The event was organized by the American Bar Association's Law School Division in 1969. William Mitchell was one of the first Midwest law schools to participate. Since its own beginning in 1975, William Mitchell has

had three regional winners from a field of what is now 14 schools. In addition, the William Mitchell chapter of client counseling wrote the guidelines used by schools to conduct their interschool competition.

Miller said this record is reflected in the prestige the school has gained among competitors. At last year's regional she was told, "We've heard Mitchell is the school to beat."

The popularity of the program increases from year to year, with 20 teams already scheduled to participate in the 1982 competition. Forty first-year students have signed up to serve as clients, so that even more students are involved.

"There is an irony that the school which has been so successful in the program is the one which is facing drastic cuts," said Miller. A further irony is the Associate Dean Melvin Goldberg was a previous advisor and encouraged financial support of the program. Miller does not blame Goldberg for the budget cuts, but is frustrated by what she calls shortsighted priorities on expenditures, which have hurt the program.

"Client counseling fills a gap in the education of law students who will need the skills of interviewing, counseling and advising," said Miller. She rejects the statement that the entire student population should not bear the burden of the program. She compared the program to electives, which are "more specialized, serve a fewer number of students — as few as six — and are more costly to administer."

"Should we not offer those electives because they benefit so few?" Miller asked.

Improvements that Miller says would benefit William Mitchell's program require additional expenditures, greater than what was made before this year's cuts. The current budget for operating expenses is \$400. That amount barely meets the cost of running the school competition. In addition, Miller said, money should be allocated for films, speakers, workshops and other competitions.

"Client counseling is a neglected art," said Miller. "It deserves strong support because it is a skill which all lawyers will use on the job."

Budget cuts hurt school's 'Little People'

by George McCormick

Just in case you haven't noticed it by now, budget cuts are the dominant theme of this issue.

Nothing wrong with that, of course. After all, everyone's been broke ever since Bonzo's keeper began restoring the economic health of the nation. My only complaint is that this issue of *The Opinion* focuses on only the Big People, the established organizations, the law reviews and moot-court societies of the world.

But there are Little People out

there, I want you to know, and they're being hurt, too.

Take, for example, one of the lesser-known student organizations here at William Mitchell, the Smutty Law Society. The SLS, as it is known to some (never mind what others call it), has always been hard up for money. Rather than subsidies, it has received only disdain from both the college and the Student Bar Association. Its main source of revenue has been the sale of underlined and dogeared copies

of the Supreme Court's decision in *Pacific* — you know, the one that actually prints all seven filthy words.

Mitchell's budget crunch put the SLS in a peculiar — and difficult — position. Since it was receiving no subsidies, the only way it could be included in the retrenchment was by being assessed by the college — sort of a negative subsidy. That's really cut into the SLS's revenues, and it's forced the group to postpone its plans to begin publishing a

Salacious Law Review. The need for such a journal will, unfortunately, remain unfulfilled for an indefinite, but probably long, time.

At the opposite end of the spectrum, the Mitchell chapter of the Born-Again Barristers of America (BABA) has been forced to seek ways to economize. It decided to try to arrange a merger with an organization that shares some of its conservative, traditional views. Unfortunately, the only such group willing to agree to a merger was the cam-

pus male-chauvinist society, Real He-Men United Militantly (RHUM). That makes the new group resulting from the merger something called BABA au RHUM, which the Born Again Barristers feel has embarrassing connotations for people whose principles include strict avoidance of booze in any form.

We'd say that tight money makes for strange bedfellows — but then we'd be getting into another area that's embarrassing for the Born-Again Barristers.

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Ver Ploeg, Helland face tenure review

Associate Professors Christine VerPloeg and Robert Helland are being evaluated this year for tenure at William Mitchell.

Tenure becomes automatic if a faculty member has not been notified otherwise by April 1, following the end of the seventh semester of continuous service as a full-time faculty member.

The tenure committee, comprising all tenured faculty, two non-tenured faculty and two students, will make a recommendation to Dean Geoffrey Peters following their Dec. 8 meeting.

Peters will then make a recommendation to the Board of Trustees. Upon notice of that recommendation, the affected faculty members may submit information or appear before the Board before final action is taken.

Chairperson of the tenure committee is Prof. Doug Heidenreich. Student committee members are Judy Lilja and Bob Birnbaum. Students who wish to comment upon the qualifications of VerPloeg or Helland may submit their statements to any member of the tenure committee.

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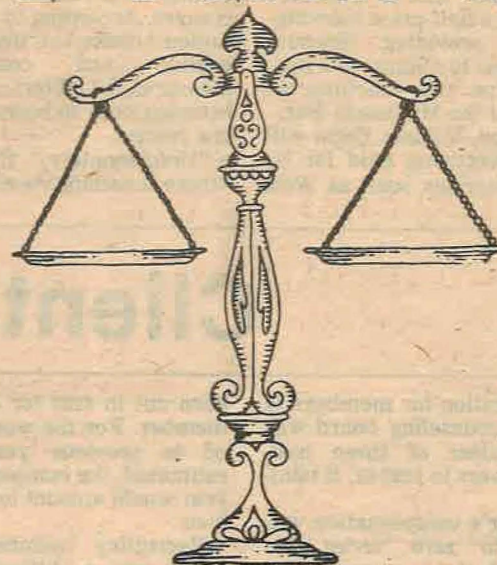
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Civil trials on hold in Hennepin court

A growing backlog of cases has forced a total halt to civil trials in the Fourth Judicial District — Hennepin County — from Nov. 23 to the end of the year.

And things are unlikely to improve when Jan. 1 arrives, according to Chief Judge Harold Kalina, because the caseload keeps on rising at a time when the courts find themselves saddled with new responsibilities.

Kalina cites several reasons for the court system's current bind:

- The criminal caseload is steadily rising — and criminal cases must take precedence over civil cases.

- Civil cases are also increasing. The civil backlog in the Fourth District in late summer was 1,170. One reason is more civil litigation; another is that civil cases are typically more complicated than they used to be, requiring longer trials.

- New duties have been assigned to the courts. Fourth District judges, for instance, have had to review about 600 criminal sentences that had been handed down before the new sentencing guidelines took effect. The courts must also review requests from minors for abortions. New laws have increased domestic abuse cases.

Like the causes, the effects of the halt on civil trials are multiple. The most obvious effect is a longer wait to get a civil case before a jury. The normal wait has been 10 months to a year. It's unclear how much longer the wait will be because of the halt and the growing backlog of cases still awaiting trial once the halt is lifted.

The other effects come as a consequence of the first. Plaintiffs, faced with a longer delay, may be more willing to settle out of court — probably for less than they would have accepted had an earlier trial been possible. Lawyers who take cases on contingency may find themselves waiting longer for their fees, since trials — and therefore damage awards — will be delayed. Defendants could be encouraged to delay settlement and to invest the potential damages,

Mitchell teams enter regional moot ct. meet

First- and second-place teams in last spring's moot court competition represented William Mitchell last month in regional rounds held at Drake University in Des Moines, Iowa.

Charles Friedman and George McCormick, winners of the spring competition, advanced to the quarter-finals and were seeded sixth. Friedman and McCormick lost the oral argument (90-89) to petitioners from North Dakota. The North Dakota team will represent the region in the national competition to be held in New York City in January.

Advancement to the quarter-finals was based on a combination of oral scores (60 percent) and brief scores (40 percent). Winning two of three oral arguments scheduled for the first round was the Mitchell team of Leslie Gerstman, Chris Maland and Virginia Miller.

Two teams are sent to the regional round by each of seven law schools (Drake, Iowa, Hamline, Minnesota, North Dakota, South Dakota and William Mitchell). The teams that reach the finals advance to the national competition. This year both Drake teams were in the final round, but a national rule prohibits advancing two teams from the same school. Thus the third-place team, North Dakota petitioners, will go to New York City.

knowing that the trial deadline has been postponed by a few extra months.

One reason for the increasing backlog is the legislature's failure to provide extra judges for the 19-judge court, and a bill before the 1981 legislature had called for adding five. But the bill was stalled in the House, and its chances for the 1982 session are uncertain.

"It depends a lot on the (state) budget," said the bill's chief sponsor, State Sen. Robert Tennesen of Minneapolis.

The five additional judgeships for the Fourth District would cost about \$350,000.



Students raised money for the school during the Alumni Phonathon. To date over \$26,000 has been pledged.

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Basketball Is Coming

The William Mitchell Basketball League's 1982 tipoff is scheduled for January 17. The ten week schedule (including playoffs) is to be played in St. Paul on Sunday afternoons, 1-4 p.m. The league will consist of two six-team divisions.

It is expected that more than twelve teams will apply, so a lottery will be held in early January. To qualify for the lottery, a team must have a seven-man roster and a \$50 entry fee. No persons other than William Mitchell students or alumni may participate. This rule will be vigorously enforced.

Any students interested in refereeing please contact Dennis Atchinson. Referees will be paid.

College drops plan to impose fee for late tuition payment

by John Knutson

The 16-percent late-tuition fee, formulated by William Mitchell Comptroller Michael Carlson, has been withdrawn. All late charges levied in the fall semester will be credited to students' accounts.

Following several recommendations from the faculty, the school has withdrawn the late-fee charges so that a new policy may be formulated. Carlson said he believes that the wording of the original policy "sounded like a finance charge. We are not a bank.... Basically the policy should be viewed as penalty for students who don't pay on time.

We've been taken advantage of by students who don't pay promptly."

The school receives approximately \$3 million in tuition. This money is invested and accrues interest, which is a significant percentage of general revenue.

When students do not pay tuition on time, this "revenue production" is jeopardized, Carlson said. "We are running on a zero-based budget, and revenues must be equal to expenses."

He emphasized the importance of a consistent cash flow.

According to Carlson, the three main goals of a late-fee policy are: to make sure that students

comply with their contractual duty of prompt tuition payment; to have a policy that may be applied uniformly to all students, and to help stabilize and increase revenue production through interest.

In the future no student will be allowed to register unless August, September and October tuition payments have been received prior to registration. Also, spring registration will be withdrawn if any student has not paid all of fall semester tuition by Dec. 4, 1981.

Students who do not pay their tuition on time in the future will be subject to a uniform penalty.

Student wins legal-writing award

The Nick Schaps Memorial Award for Environmental Law Legal Writing has been awarded for the 1980-81 academic year. Elinor Rosenstein, a senior at William Mitchell, received an award of \$500 for her entry, entitled "Solar Access Problems in Minnesota: The Precedents and the Future."

Rosenstein's entry was selected by a committee consisting of Attorney General Warren Spannaus, Commissioner of the Department of Natural Resources Joseph Alexander and Prof. J. David Prince, Northwest Area Foundation Professor in Environmental Law.

The Nick Schaps Memorial Award is an annual award established in memory of Nicholas V. Schaps Jr., an alumnus of the class of 1976, by his family and friends. Tax-deductible donations to this endowed fund may be sent to the college.

Mitchell awards merit-based scholarships totaling \$4,200 to students beyond first year

Merit-based scholarships have been awarded for the 1981-82 academic year. The following persons received scholarship awards:

The Richard A. Golling

Memorial Scholarship in the amount of \$200 was awarded to third year student Robert Mitsch. This scholarship honors the memory of Richard A. Golling, an alumnus of St. Paul College of

Law. It is designed to recognize students who are achievers and who have demonstrated leadership qualities.

Six scholarships were awarded from The Charles and Marjorie Pihl Scholarship. This scholarship was made possible by Charles and Marjorie Pihl to recognize students beyond their first year who have demonstrated leadership qualities and who are in good academic standing. Receiving \$500 each were: Mark Chapin, Irving Colacci, Lawrence McDonough, Virginia Miller, Mary Senkus and Mary Stanislav.

John Bowers and Beth Dinn-dorf, both seniors, each received scholarships of \$500 from the Richard C. Schall Annual Scholarship fund. This scholarship is in memory of Richard C. Schall, a 1938 graduate of William Mitchell College of Law and former General Counsel of Space Center, Inc. An annual grant from Space Center, Inc. funds this scholarship, which is distributed annually to a third- or fourth-year student at the College who has exhibited academic excellence and shown outstanding accomplishment in contributions to business.

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Prof. Hamilton, brother start consulting service

by Jeanne Anderson

A new consulting service for lawyers and judges has been in operation at William Mitchell since September. Offering expertise in economics, social sciences and legal research, the Applied Research Center (ARC) is headed by two brothers, Prof. Neil Hamilton and Peter Hamilton.

ARC is a multi-faceted organization providing a link between law and economics. Neil Hamilton offers the legal expertise, while Peter Hamilton adds his skills as an economist. In addition, ARC calls in other professionals when a project requires it. A large part of ARC's services is contracting with government agencies to research and analyze government enterprises, including mass transit, electric utilities and cable television.

"The purpose of the program is to create a more exciting atmosphere at Mitchell. Economics and law are crucially related. I am surprised that there aren't more courses in law and economics," Peter Hamilton

said. Hamilton is scheduled to teach a course next semester on the topic.

The center, funded primarily through contracts, offers weekly seminars on law and economics to the Mitchell faculty and hopes to involve both faculty and students in research. Mitchell provides office space and secretarial service.

The brothers recently published a book, *Governance of Public Enterprise* (Lexington Books, 1981), focusing on mass transit. "We picked mass transit for its elements of business and public duty. We sought to analyze these issues in light of certain social goals needed to be met," Hamilton explained.

The Hamiltons began thinking about government enterprise in 1975 when Neil was working on a masters thesis in economics. "We decided that there is not a well-defined theory of government enterprise," Peter Hamilton said. He said that the real problem is that of

bureaucratic motives. "What happens is that the head of a government agency tends to act to further his own salary instead of acting to promote efficiency. The way to do that is by maximizing the size of the agency by spending as much as they can before a budget period ends. That's a pretty bad incentive."

In addition to their book, the brothers have been active in other ways to promote their technique of applied research. They provided expert testimony in an antitrust case with the Cleveland Electric Co. in Ohio and have organized a symposium for the Minnesota Law Review, to be published next year.

Funding for the center has not been firmly established yet, since it has only been in operation for a few months. Peter Hamilton says he feels that the Applied Research Center will greatly benefit Mitchell's reputation. But, he said, "Unless ARC takes off, I won't be here past February."



Registration for spring semester took place the first week of November. Associate Dean Melvin Goldberg said that there were fewer class closings and fewer complaints about class unavailability than in previous semesters.

Trustee, wife donate lakeshore property

Charles and Marjorie Pihl have donated their 200-acre Birdwing Farms estate to William Mitchell for use as a conference and retreat center. Charles Pihl is a trustee of the college.

According to Associate Dean Robert Oliphant, the gift presents the school with a unique and challenging opportunity to advance legal education and improve the quality of justice in Minnesota and the United States.

Birdwing Farms is located near Litchfield, Minn. The property includes a series of ponds that descend to Birdwing Bay and Star Lake. The lakeshore property contains a wildlife refuge.

The main building is a house with eight bedrooms and two living rooms, each suitable for meetings of up to 15 people.

To supplement its own use of the property, the college plans to offer the facility to other groups running educational programs.

Williams, Warner winners in fall moot court tourney

Mitchell students Ted Williams and Dan Warner have won this semester's Rosalie E. Wahl Moot Court Competition.

The two defeated a team comprising Steven Tillett and Scott Massey in the final rounds, held at the college Nov. 21. Preliminary rounds were held the preceding two weekends.

Judges for the final round were Justice Wahl, U.S. District Court Judges Donald Alsop and Harry McLaughlin, Prof. Russell Pannier and attorneys Ellen Sessel and Pat McGee.

Each team in the competition prepared a brief. Each also presented oral arguments, not

only for the side it had briefed, but also for the opposite side. A team's score for each round was the total of its brief score and the oral-argument score for that round.

Pannier conceived this semester's problem, which centered on the search of junior-high-school students by a police dog in an effort to find drugs. Complicating the case was the strip search of one female student, singled out by a dog.

The Moot Court Board sponsored a reception after the final round of the competition for the judges, participants and audience.



Two views of the Birdwing Farm estates will provide those attending conferences with an escape from the city.



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